

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY WATKINS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	NO. 02-CV-2881
PENNSYLVANIA BOARD OF	:	
PROBATION & PAROLE,	:	
EDWARD JONES, and MICHAEL BUKATA	:	
	:	
Defendants.	:	
	:	

**JURY VERDICT FORM FOR
DEFENDANT PENNSYLVANIA BOARD OF PROBATION AND PAROLE
AND/OR DEFENDANTS WILLIE E. JONES AND/OR MICHAEL BUKATA
IN THEIR OFFICIAL CAPACITIES**

A. Disparate Treatment

1. Do you find that the plaintiff has proved by a preponderance of the evidence that race was determinative in motivating defendants' decision to suspend and/or terminate Mr. Watkins?

YES _____

NO _____

Continue to Question 2.

B. Retaliation

2. Do you find that the plaintiff has proved by a preponderance of the evidence that he opposed a racially discriminatory practice or engaged in protected conduct during a grievance hearing in November of 2000?

YES _____

NO _____

Continue to Question 3.

3. Do you find that the plaintiff has proved by a preponderance of the evidence that there is a causal connection between the plaintiff's 1993 lawsuit and his suspensions on June 21, 2000 and/or October 5, 2000 and/or November 16, 2000 and/or his termination in August 2001?

YES _____

NO _____

If you answered YES to question 2, proceed to question 4, if you answered NO to Question 2, proceed to Question 5, but only if you answered YES to Question 1.

4. Do you find that the plaintiff has proved by a preponderance of the evidence that there is a causal connection between the plaintiff's protected conduct during a grievance hearing in November 2000 and his termination in August 2001?

YES _____

NO _____

If you answered "YES" to Questions 3 and/or 4, continue to answer the remaining questions. If you answered "NO" to Question 3 and 4, continue to answer the remaining questions only if you answered "YES" to Question 1.

C. Hostile Work Environment

5. Do you find that plaintiff has proved by a preponderance of the evidence that he was subjected to discrimination by the Board and/or Mr. Jones and/or Mr. Bukata, in their official capacities?

YES _____

NO _____

If you answered "YES" to Question 5, continue to question 6. If you answered "NO" to Question 1, but answered "YES" to Questions 1 or 3 or 2 and 4, continue to Questions 9 through 11.

6. Do you find that plaintiff has proved by a preponderance of the evidence that the conduct was so severe or pervasive that a reasonable person of Mr. Watkins' position would find Mr. Watkins' work environment to be hostile or abusive?

YES _____

NO _____

If you answered "YES" to Question 6, continue to question 7. If you answered "NO" to Question 6, but answered "YES" to Questions 1 or 3 or 2 and 4, continue to Questions 9 through 11.

7. Do you find that plaintiff has proved by a preponderance of the evidence that the Board's and/or Mr. Jones and/or Mr. Bukata's, in their official capacities, conduct was not welcomed by Mr. Watkins?

If you answered "YES" to Question 7, continue to question 8. If you answered "NO" to Question 7, but answered "YES" to Questions 1 and 3 or 2 and 4, continue to Questions 9 through 11.

8. Do you find that plaintiff has proved by a preponderance of the evidence that he believed his work environment was hostile or abusive as a result of Mr. Jones and/or Mr. Bukata's, in their official capacities, conduct?

YES _____

NO _____

If you answered "YES" to Question 8, continue to question 9. If you answered "NO" to Question 8, but answered "YES" to Questions 1 or 3 or 2 and 4, continue to Questions 9 through 11.

D. Damages

Please answer the following questions only if you found in favor of plaintiff on his disparate treatment claim, retaliation claim, or both. In other words, you should only answer these questions if you answered "YES" to Questions 1 and/or 3 and/or 2 and 4 and/or and/or 5, 6 7 and 8.

9. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff should be awarded damages to compensate for emotional pain and mental anguish?

YES _____

NO _____

If your answer is "YES," insert the amount of compensatory damages that will reasonably compensate plaintiff for his emotional pain and mental anguish in the space provided below.

\$ _____

10. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff should be awarded damages to compensate for a net loss of wages and benefits from the date of his termination, August 3, 2001 to today?

YES _____

NO _____

If your answer is "YES," insert the amount of compensatory damages that will reasonably compensate plaintiff for a net loss of wages and benefits in the space provided below.

\$ _____

If your answers to Questions 6 and 7 are "NO," insert a \$1.00 award of nominal damages below.

\$ _____

11. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff is entitled to recovery of future earnings from defendant?

YES _____

NO _____

If your answer is "YES," insert the amount of future earnings that plaintiff is entitled to in the space provided below.

\$ _____

Foreperson: _____

Dated: _____

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